

ORDINANCE NO. 1199

AN ORDINANCE REGULATING THE DISPOSAL OF UNCLAIMED PROPERTY, SURPLUS PROPERTY AND OBSOLETE PROPERTY BY THE CITY OF COLLEGE STATION, TEXAS; PROVIDING FOR THE DESTRUCTION OF PISTOLS AND ILLEGAL WEAPONS; PROVIDING FOR LIENS ON MOTOR VEHICLES; AND PROVIDING A PENALTY.

Whereas the City of College Station from time to time possesses abandoned, stolen, or recovered property; and

Whereas the City of College Station from time to time has surplus equipment and supplies; and

Whereas an organized method for disposition of these items is necessary.

Now, therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

Article I. Unclaimed Property

Section 1. Authority to sell - Generally.

All abandoned, stolen or recovered property of every kind, except motor vehicles, which shall remain unclaimed with the police department for a period of two months without being claimed or reclaimed by the owners, whether known or not, may be sold and disposed of at public auction, as provided in this article.

Section 2. Authority to sell Automobiles

All abandoned, stolen or recovered motor vehicles which shall remain unclaimed with the police department for a period of thirty days without being claimed or reclaimed by the owners, whether known or not, may be sold and disposed of at public auction as provided in this article.

For the purpose of this article, motor vehicles which shall remain unclaimed with the police department for thirty days, as provided above, shall be conclusively presumed to have been abandoned.

Section 3. Delivery to purchasing agent.

The Chief of Police shall give to the purchasing agent of the city a list of all property subject to sale hereunder and shall thereafter deliver such property, except motor vehicles, to the purchasing agent before the date of sale and take a receipt from such purchasing agent showing in detail all property so delivered. Motor vehicles shall be kept by the Chief of Police until a sale has been made.

Section 4. Notice; manner of sale

Thirty days' notice of the time and place of sale of all property, except motor vehicles and in the case of motor vehicles fourteen days' notice of the time and place of sale and a descriptive list of the property or motor vehicles to be offered for sale shall be posted at the door of the Courthouse of the County and at any regular entrance to the City Hall and a copy thereof sent by registered mail to the last known address of the owner, in the event the name of the owner is

03170

known to the Chief of Police. Thereafter, such property shall be offered for sale at public auction to the highest bidder for each piece of property or assembled in lots, whichever, in the discretion of the purchasing agent, shall offer the best price obtainable for such property, except motor vehicles, which shall be sold separately.

Section 5. Time of sales, all sales for cash.

The public auction provided for in the preceding section shall be conducted at the place and hour designated in the notice. All sales shall be for cash.

Section 6. Reports by purchasing agent; delivery of proceeds to city Director of Finance.

The purchasing agent shall conduct such public auction and he shall keep an accurate statement of each article or motor vehicle sold and the price bid and paid therefor, and shall make a complete report in writing to the Director of Finance of the City. All funds received on account of such auction shall be delivered to the City Director of Finance who shall give his receipt therefor.

Section 7. Proceeds to be credited to appropriate fund

The City Director of Finance shall place all funds received by him under and by virtue of this article to the credit of the fund from which the articles for sale were obtained. In the event an article for sale was not obtained from a City fund, i.e. abandoned property, the proceeds from its sale shall be audited to the General Fund, to be thereafter disbursed as the city council shall order.

Article II. Disposal of surplus or obsolete personal property

(a) Any personal property owned by the City which is worn out, scrap or obsolete, which has been declared surplus by the city council or which has been condemned as useless by the director of a department, and is not needed for public use, shall be confirmed by the city purchasing agent and disposed of by public auction, by obtaining quotes from vendors with a minimum of three, in the same manner as unclaimed property, or by advertising for sealed bids.

(b) If the city purchasing agent determines that the personal property shall be disposed of by advertising for sealed bids, he shall advertise for sealed bids in a local newspaper once a week for two consecutive weeks, the time of the first publication to be at least fourteen days prior to such sale, and give notice of time and place when and where such sale will be held, at the discretion of the purchasing agent. If the value of such property is less than Five Thousand Dollars (\$5,000.00), the property may be sold to the highest responsible bidder by the purchasing agent, subject to the approval of the City Manager and after public notice and bidding. If the value of the surplus or obsolete personal property to be disposed of is Five Thousand Dollars (\$5,000.00) or more, then the sale to the highest responsible bidder shall be confirmed by city council resolutions.

Article III. Destruction of pistols and illegal weapons; exceptions.

All pistols, knives and slingshots and other weapons prohibited by the Penal Code of the State, which for a period of two years have remained unclaimed, abandoned

or unidentified by its rightful owner and which are not being held as evidence in any pending cases filed of record, shall be destroyed in the presence of (a) one police officer of the rank of lieutenant or higher and two representatives of the city council; or (b) two police officers of the rank of lieutenant or higher and a representative of the city council, who shall make a report under oath to the city council, listing the make, model, type and serial number of the property destroyed, together with the time, date, place and manner of destruction. Provided, however, that this section shall not apply to (a) weapons which the Chief of Police of the city has determined to be serviceable or useful; (b) weapons which the Chief of Police has determined would be appropriate for display purposes; (c) weapons which have been classified as "antique" or "collector's items" by a qualified expert in the weapons field, shall be advertised as such and sold at public auction as provided in this article. The Chief of Police shall determine and select a qualified expert in the firearms field to classify such weapons.

Article IV. Lien on motor vehicles

The city shall have a lien on all abandoned, stolen or recovered vehicles for towing and storage charges. Such lien shall be prior and superior to any and all other liens and claims except liens for ad valorem taxes. Such lien shall be satisfied first from the proceeds of the sale of any motor vehicles under the terms of this article, except in the event a lien is asserted for ad valorem taxes in which case the lien for ad valorem shall first be satisfied.

Article V. Variance of certain provisions of article by councilmanic resolution.

In unusual circumstances, in the sale of surplus property, the terms and provisions of this article may be varied by resolution of the City Council.

Article VI. City officers and employees not to purchase unclaimed or surplus property

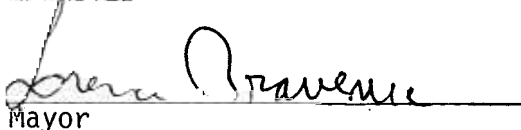
It shall be unlawful for any officer or employee of the City, either directly or indirectly, to submit bids or to purchase at any sale (excluding public auction), any property sold pursuant to the provisions of this article or to submit sealed bids or acquire ownership of any real property, pursuant to the provisions of this article.

Article VII. Penalty for violation of ordinance.

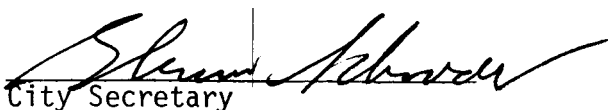
Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.

PASSED AND APPROVED this the 29th day of November, 1979

APPROVED


Mayor

Attest:


City Secretary